

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Confirmation No. : 4939

Appln. No. : 10/659,451

Applicant : Maria Villani

Filed : 09/09/2003

TC/A.U. : 1657

Examiner : Srivastava, Kailash C.

Docket No. : 1951331-00004

Customer No. : 45200

Title : PORIFERA-BASED THERAPEUTIC COMPOSITIONS FOR TREATING
AND PREVENTING SKIN DISEASES

Reply to Examiner's Interview Summary

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Reply is responsive to the Examiner's Interview Summary dated December 2, 2008.

In the Interview Summary the Examiner states "[t]he Examiner agreed to look at all of the relevant prior art references presented and consider the legal arguments regarding the rejections of record *when the applicant files a response to the Notice of Non-compliant amendment mailed 10/6/2008.*" (Emphasis added.)

The Applicant generally agrees with the Examiner's Interview Summary and thanks Examiner Srivastava and Dr. Weber for their courtesy and attention during the November 13, 2008 interview. However, the applicant would like to call attention to the fact that a formal response the October 6, 2008 non-compliant amendment was filed October 16, 2008 and is of recorded in the present case based on its timely entry into the Patent Application Information Retrieval (PAIR) system data base. The Examiner is

respectfully requested to review his files to verify they concur with the PAIR data base, consider the amendment in view of the interview and reach a favorable finding in the present case.

For purposes of a brief review, the applicant agreed to provide a certified translator's statement stating that the Russian folkloric term "badyaga" has no specific meaning and referring to the term "badyaga" generally can mean many different things depending on the reader's technical skill and personal history.

In the present claims "badyaga (badiaga)" is not used as a limitation, rather a very specific species, *Spongilla lacustris* is claimed and therefore the applicant respectfully asserts that any reference referring to the term "badgaya" generally does not disclose the present invention because the reader would not know in clear and unambiguous terms what the reference was referring to.

Further, as the Examiner will recall, the applicants reasserted their position that the Reka Farms web site reference does not qualify under any section of 35 U.S.C §§ 102 or 103 as prior art based on the arguments stated in the October 6, 2008 and October 16, 2008 responses to the Examiner's non-final office action. Examiner Weber suggested that a PTO attorney consider these arguments in detail.

Applicants respectfully assert that the present case is now in condition for further examination and request that a timely Notice of Allowance issue in this case.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-3207.

Respectfully submitted,

Dated: 17 December 2008

/Louis C. Cullman/
Louis C. Cullman
Registration No. 39645
CUSTOMER NUMBER: 45,200

K&L GATES LLP
1900 Main Street, Suite 600
Irvine, California 92614-7319
Telephone: (949) 253-0900
Facsimile: (949) 253-0902



ADVANCED

Translation Services

Member of the American Translators Association

November 29, 2007

Maria C. Villani, M.D.
Villani Research & Development Corp.
537 Newport Center Drive, Suite #578
Newport Beach, CA 92660

Dear Dr. Villani,

In reply to your request to provide expert opinion on the use, definition and application of the Russian word *badyaga* ("бадыга", "бодыга"), please be advised that I am basing my opinion on over twenty years of experience as a Russian<>English translator, as well as access to various Russian>English dictionaries and research materials that are available to me.

Based on numerous definitions and specific meanings provided for the Russian word "badyaga" in multiple dictionaries, scientific publications, and reference guides, it is clear to me, as someone who is not a doctor, taxonomist, pharmacist, marine biologist, or specialist in the field of medicine or marine biology, that *badyaga* is a man-made Russian folkloric term that is used in reference to fresh water sponge and related marine species, has broad meaning, and is not a scientific term.

Please feel free to contact me should you require additional clarification on this subject.

Sincerely,

Marina Teper
Member of the American Translators Association
Founder of Advanced Translation Services